

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 3.

Attachment: 1 replacement sheet

REMARKS

Claims 1-11 are pending. Claims 1, 4-8 and 11 have been amended. Claims 2 and 3 have been canceled. No new matter has been added.

The drawings were objected to for lack of the designation "prior art" on Fig. 3. An amended drawing sheet containing Fig. 3 is attached, and withdrawal of this objection is respectfully requested.

Claims 5-8 stand rejected under 35 USC 112, second paragraph, as failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is overcome in view of the foregoing claim amendments.

Claims 1 and 11 stand rejected under 35 USC 102(b) as being anticipated by Takuya, JP 2001-223832 A. This rejection is respectfully traversed.

Claim 1 recites that "the spacer is configured such that height of a downstream end thereof relative to the original document conveyance direction decreases in a sloping manner toward the downstream direction." Takuya fails to teach or suggest this feature.

Takuya teaches a capture member 5 and a step forming member 4, which by its very name makes it clear that this member does not decrease in a sloping manner toward the downstream direction. This is also clearly evident from Fig. 1, where elements 4 and 5 clearly form a step. A step does not have a slope. A slope is defined as "to have or take an inclined or oblique direction or angle considered with reference to a vertical or horizontal plane; slant" (The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. 03 Jan. 2008). The step shown in Takuya's Fig. 1 is not a slope, and thus Takuya fails to teach or suggest the features of claim 1.

Claims 2-3 have been canceled.

Claim 4 has been amended and recites “said spacer comprises a lower surface member that comes into contact with said reading transparent member and an upper surface member that comes into contact with the original document during conveyance of the original document wherein such members are glued together to form a step configuration where the height of the steps decrease toward a downstream direction, and said upper surface member is made of a material having both a lower friction coefficient and superior wear-resistance than a material of said lower surface member.” Takuya fails to teach or suggest these features.

First, in his rejection of claim 4, the Examiner cites to a portion of Takuya that discusses the embodiment shown in Fig. 3, not the embodiment shown in Fig. 1. The disclosure regarding the material forming the level difference formation member 61 does not relate to the step forming member 4 disclosed in Fig. 1.

Further, as shown in Fig. 3, assuming elements 61 and 71 form a step configuration, these members are not glued together to form this step, but rather element 71 is formed as a slot in the platen glass member 31 (see para. 29). Even if we consider the embodiment shown in Fig. 1, Takuya fails to specifically disclose that elements 4 and 5 are “glued together.”

Finally, Takuya discloses that “manuscript reading path beta side side [sic] face of this level difference formation member 61 consists of ingredients, such as glass with low coefficient of friction, the amount polyethylene of giant molecules, a fluororesin, polyacetal (POM), and nylon” (para. 29). As stated above, this relates only to element 61, not element 4. Further, since element 71 (the other half of the “step” in Takuya’s Fig. 3) is actually a concave portion of the platen glass, Takuya makes not comment regarding the relative friction coefficient of these two materials. Merely stating that the material of the lower surface is unnecessary is insufficient to support a rejection under 35 USC 102 as the Examiner has failed to demonstrate that each and every one of the claim features is disclosed by the reference.

For at least these reasons, claim 4 is allowable. Claims 5-10 are allowable at least due to their respective dependencies and further in view of Takuya's failure to teach or suggest the features of these claims.

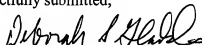
Claim 11 recites a similar feature as claim 1 and is allowable for the same reasons claim 1 is allowable. Applicants request that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772034600.

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Attachments